REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 3, 5-15, and 17-19, were rejected. Claims 1, 3, 5-7 and 19 were rejected under Section 103(a) over *Hammons, Jr.* and *Alard.* Claims 8-13 and 15-18 were rejected under Section 103(a) over the combination of *Hammons, Jr., Alard,* and *Raleigh.* Additionally, claim 14 was rejected under Section 112, second paragraph, for the recitation of language that was clear.

Responsive to the rejection of the claims, independent claims 1 and 15 have been amended, as set forth herein. Claim 19 has been canceled. Various ones of the dependent claims dependent upon claims 1 and 15 have been amended responsive to amendments made to their respective parent claims. And, claim 14 has been amended in a manner believed to overcome the Section 112, second paragraph, rejection thereof.

Amendments to pages 10 and 11 of the specification place the specification in conformity with the reference symbols used in Figures 3 and 4. And, the amendment to page 15 of the specification copies text of the brief description of the drawings into the detailed description.

Support for the supposed amendments are found, for instance, with respect to the description of Figure 2 on page 9, lines 6 and following, and the description of Figure 3 on page 10, lines 7-17.

With respect to exemplary claim 1, the claim has been amended now to recite that the encoder has a systematic path and a recursive path responsive to which coded values are formed that are both systematic and recursive. The encoder further recites that the coded values are used to select coded symbol values that belong to a systematic recursive codeword that complies with an equal eigenvalue criterion.

While the Examiner relies upon *Hammons* and *Alard,* particularly as now amended, the Applicant believes that no combination of these references can be made to form the invention, as now recited. Namely, *Hammons* fails to disclose an encoder, or associated method, as now recited, that forms coded values that are used to select coded symbol values that belong to a systematic recursive code word that complies with an equal eigenvalue criterion. The Applicant is unable to affirm the Examiner's reliance upon *Alard* for showing an equal eigenvalue criterion. But, even assuming that *Alard* discloses such, there is no disclosure of a manner by
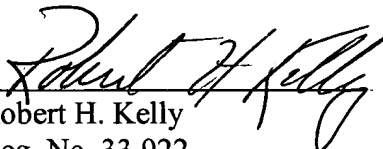
8

which *Hammons* and *Alard* could be combined that guarantees that a codeword complies with an equal eigenvalue criterion.

As the remaining ones of the dependent claims include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited combination of references for the same reasons as those given with respect to their parent claims.

In light of the foregoing, independent claims 1 and 15, and the remaining ones of the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

Dated: 15 July 04

Robert H. Kelly
Reg. No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4200
Fax: (214) 706-4242
robert.kelly@scheefandstone.com